

LITTAUERS JUST ESCAPE PRISON

Ex-Congressman and Brother Get Six Months—Sentence Suspended.

EACH IS FINED \$1,000

U. S. Judge Scathingly Rebukes Lucius for Disregard of Oath.

RICH SMUGGLERS WARNED

No More Love Taps for Wealthy Amateurs, Says H. Snowden Marshall.

When Judge Edwin S. Thomas sentenced ex-Congressman Lucius N. Littauer and his brother William Littauer to prison terms of six months each as well as fining them \$1,000 each yesterday, the spectators in the United States District Court gaped in amazement at the idea of amateur smugglers getting anything more than a fine.

"At last," some one murmured, but allowed the rest of his exclamation to go unfinished because the judge announced that the brothers had pleaded guilty to smuggling a diamond ring, would be released on suspended sentence for five years.

The nominal sentence, however, was the severest ever given in a smuggling case in this district. As to whether or not it deprives the Littauers of their rights of citizenship is yet to be determined. There is a prevailing opinion among Federal authorities that it does.

Judge's Remarks Scathing.

The memorandum which the judge read before passing sentence was scathing in its references to the Littauers. "I am informed that in this jurisdiction it has not been customary to inflict a jail penalty," said the judge. "It is not for me to say whether this is a wise policy or not, but I am necessarily bound to take it into consideration and it is on account of this policy that I dispose of this feature of the case."

The judge said that he inflicted a jail sentence with modifications so that if the practice of smuggling continued unabated there would be no opportunity for "further asking the courts not to inflict a jail penalty on account of wealth, social prominence and the high standing of those who have been so far from the law." Judge Thomas made it clear that he was allowing the Littauers to go free only on the consideration that their plea of guilty had saved the Government the expense of trial, that they made full restitution of their civil liability by paying \$1,000 to the Government and that Lucius Littauer, according to the statement of a reputable physician, is afflicted with diabetes.

Lucius Graciously Affected.

Lucius Littauer, who was making an apparent effort to nerve himself for the ordeal of sentence, winced visibly when the judge referred to his ten years as a Representative in Congress from the State of New York in the following words:

"For an ex-Congressman so far to forget his oath, which he has taken upon five different occasions, to support and defend the Constitution and the laws of the United States, knowing as he must have known about the tariff duties and declarations provided by law in such a case, to do all this I say seems incomprehensible as well as reprehensible."

It is pointed out that both defendants are well educated, philanthropic and in other respects men of standing and reputation. If there is to be any distinction between right and wrong, it should be to the advantage of the ignorant man who cannot distinguish the fine shades between right and wrong.

According to the indictments against the Littauers, William bought the tarrs in Venice and gave to his brother in the Black Forest of Germany, and the latter brought it here without declaring it.

Their excuse was that they thought the tarrs was an antique and free of duty. Judge Thomas declared the very fact that they concealed it was evidence of intent to defraud.

Army Contract Scandal Recalled.

This is not the first time that the name of Lucius Littauer has figured in a scandal. In 1903 it was brought out at the bankruptcy proceedings of Edmund L. Lyon, an army contractor, that Littauer, who was then in Congress, had secured for him a contract for supplying the army and navy with uniforms, coats, trousers, gloves, pajamas and other articles of clothing, and that the Congressman's firm, Littauer Bros., manufacturers of gloves, Gloversville, N. Y., was in reality supplying the garments.

For a time there were rumors of action to be taken by Congress.

The sentence imposed upon the Littauers recalls that in several instances sentences have been imposed by the Federal Judiciary in this district on smugglers of the tourist class and that these have never been more than five days. Occasionally a merchant who smuggles for commercial purposes is sent to jail for a month or more, but prominent smugglers of the tourist class are usually let off with a fine.

This was true in the case of Mrs. Frank H. Wilgong, wife of a Cincinnati financier well known in the diamond trade. After pleading guilty to the charge of smuggling, she was fined \$1,750 by Judge Hunt on October 23, 1913.

On October 26, Mrs. Ada F. C. Aguilera pleaded guilty to the charge of smuggling and was fined \$5,000. On the same day the same judge fined Mengo Morgenthau, candy manufacturer, \$5,000 for smuggling.

On October 3, 1911, Nathan Allen, a wealthy Wisconsin lumberman, was fined \$12,000 by Judge Charles Hough for smuggling jewelry valued at several hundred thousand dollars, which he gave to Mrs. Helen Dwell Jenkins, John R. Collins, president of the Southern Coal Company of Memphis, and Mrs. John M. McClelland, who were in the same scandal, was fined \$4,000.

Roberta Corwin Hill Jailed.

After each one of these sentences the judge promised that the next offender brought before him would be sent to jail. Finally this threat was made good and Mrs. Roberta Corwin Hill, divorced wife of Capt. Hill of the British army, was sentenced to spend a day in jail or forfeit her \$2,000 for smuggling wearing apparel and jewelry valued at \$5,750.

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CAPT. JOHN McCLINTOCK MADE MCKAY'S FIRST AID

Ex-Army Officer to Be in Charge of the Uniformed Force.

By the appointment of Capt. John McClintock, U. S. A., retired, as First Deputy Police Commissioner, Commissioner McKay has completed his staff.

The new deputy is to have charge of the uniformed force, a branch of the service for which his training in the army fits him. He will supervise and direct the school for recruits, supervise the board of surgeons and the bureau to investigate the character of candidates for appointment to the force. Former Commissioner Waldo abandoned the latter bureau and was criticised for doing so in the Carran committee police reform measures.

Pension investigations will come under Capt. McClintock's eye, and he may be called upon to conduct trials. During the absence of the Police Commissioner he will act in his place. He will also have command of a special squad the nature of which could not be learned yesterday.

Deputy McClintock is a son of Emory McClintock, who resigned as attorney and vice-president of the Mutual Life Insurance Company on November 2, 1911. He is still a trustee and the consulting attorney of the insurance company.

At the age of 16 Mr. McClintock's parents moved to New York from Milwaukee, Wis., where he was born. He was graduated from the Berkeley private school in 1899 and entered Columbia law school. In 1902 he gave up his studies and decided to prepare for the diplomatic service. He visited Germany, London and Paris, but on his return to New York bought a seat in the Stock Exchange. His health broke down and he was forced to give up his seat for a few years.

He was appointed Major of the 203d New York Volunteers at the outbreak of the Spanish-American war, but saw no fighting. At the end of the war he entered the regular army as second lieutenant.

He was the equity or inequity of jail sentences in smuggling cases, but declared that his memorandum in the Littauer case defined his opinions. He referred specifically to the following passage:

"A money penalty does not, in my opinion, meet the exigency of these cases. It aggravates the situation, rather than soothes it. It puts a premium upon dishonesty and induces the belief on the part of a great number of people that money can accomplish all things, right or wrong. It is on account of this policy that I dispose of this feature of the case."

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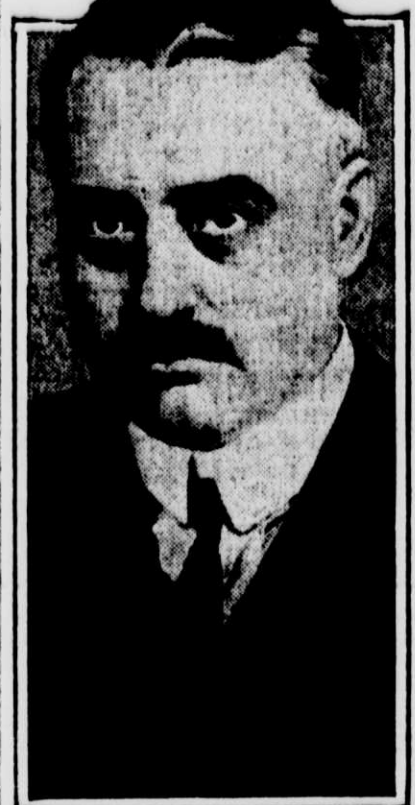
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Capt. John McClintock The new First Deputy Police Commissioner.

MCKAY STARTS IN TO REORGANIZE POLICE

Will Eliminate Some Fixed Posts and Restore the "Lineup."

APPROVED BY MITCHELL

Mayor to Get Reports on Complaints and See That They Bring Action.

Five first steps in the reorganization of the Police Department were recommended by Commissioner McKay to Mayor Mitchell yesterday. All the suggestions were approved in advance by the Mayor and will be adopted soon. They are:

First—Abolition of the fixed post system in parts of the city where in the Commissioner's judgment it is not needed.

Second—Reestablishment of the daily lineup of crooks before masked detectives at Headquarters.

Third—A new system of handling complaints, of which secrecy will be a feature.

Fourth—Rearrangement of the Deputy Commissioners' duties.

Fifth—Reorganization of the school for recruits.

In his report the Commissioner also gave the Mayor an idea of what had been accomplished since January 2, when he was asked by Mr. Mitchell to rid the city of professional criminals and gunmen. He says the city is not perfect yet, but "within this comparatively short time operations have improved remarkably." He says that the courts and the prosecutors are cooperating and "the department proposes to continue persistently until the criminal and vicious element is made thoroughly to understand that this city is not a safe abiding place."

"Keep Up the Work," Mitchell. Replying to the Commissioner's letter the Mayor said: "I wish to express my satisfaction with the progress that has been made. Please keep up this work with full vigor."

The constructive suggestions which you make as first steps to be taken toward the reorganization of the department we have already discussed in conference. They have my full approval and I request that you put them into effect with all possible speed."

The first suggestion as to the modification of the fixed post system established by Commissioner Waldo is that it be eliminated from such portions of the city as are devoted almost exclusively to business purposes. Mr. McKay says that pedestrians are few in these streets in the night hours, that life and property can be amply protected by an efficient patrol with a small increase in the patrol force. He also says that the number of fixed posts can be reduced along certain streets, notably marginal streets, where the territory served by a fixed post patrolman is only half of the territory served by a fixed post patrolman on an interior street, and in the vicinity of undeveloped property.

It is estimated that about 200 patrolmen will be released from fixed post immediately for service elsewhere.

McKay Believes in "Lineup."

Commissioner McKay says that "I am even capable of asking a man whom I assisted to an office for money. I have never asked anything in my life for money. I have toiled and worked all my life, both as a business man and in politics, because that was my hobby, to elevate and to aid men around me."

Calls "Organization" Charitable. "They talk about charitable institutions, but the political organization is the most charitable institution that we have in this country. The political organization is aiding in the efforts of four thousand men and helping them all the time to get out of trouble, and helping them in their troubles, and helping them to find work, and helping them to get along in life."

Justice Jaxox began to speak as soon as Cassidy was through. The Justice showed sympathy in voice and manner. "There is one thing always stood out in my favor," he said, speaking directly to Cassidy, "and that is that you had the courage of your convictions, that you never did believe any one, that you did have the courage to go before the people as a candidate."

"When any assault is made upon the integrity of the courts it should be so severe that you can get along with a man of logical, clear mind. The very address that you are a man of intelligence. You see the necessary and logical relation of things, and know it would be entirely out of the question for me to impose a sentence which would be inadequate in the eyes of the public."

He then imposed sentence, and Walter's sentence followed.

PRISON FOR CASSIDY WILLETT AND WALTER

Ex-Boss of Queens, Before Sentence to Sing Sing, Pleads for Himself.

REMINDS JUDGE OF AID

He and Willett to Serve at Least a Year; Walter 3 Months—Each Fined \$1,000.

Joseph Cassidy was sentenced by Justice Jaxox in the Supreme Court in Brooklyn yesterday to serve not less than one year and not more than one year and six months in Sing Sing prison and to pay a fine of \$1,000.

William Willett, Jr., convicted of having bought a nomination to the Supreme Court from the former boss of Queens county, received a similar sentence, and Louis T. Walter, Jr., was sentenced to serve three months on Rikers Island and to pay a fine of \$1,000. This last fine may be remitted by Justice Jaxox if Walter proves that he is unable to pay the fine.

A feature of the scene in court was a speech made by Cassidy, in which he defended himself as a practical politician. He showed no fear of sentence in the speech, although Willett was sentenced just before he spoke, and Cassidy knew that his punishment would be as great as Willett's. If Cassidy lost his nerve on Monday night when the jury brought in the verdict he had regained it yesterday morning.

Will Fight to Escape Prison.

The fight to free Cassidy will probably begin to-day when Robert H. Elder, attorney for the convicted politician, will apply to Justice Maddox for an order to show cause why a certificate of reasonable doubt should not be issued. Mr. Elder and District Attorney Cropsy will probably argue this either to-morrow or Saturday morning before Justice Blackmar.

Cassidy, Walter and Willett, after they were sentenced, were taken to Police Headquarters. They were photographed and their fingerprints were added to the records. Then they were put in cells in the Raymond street jail.

Justice Jaxox ordered a stay of execution until Monday. Their attorneys expected to get them out on bail before that time, pending appeal.

When Justice Jaxox took his seat at 10:30 o'clock yesterday morning the wives of the three convicted men were in court. Mrs. Walter was crying. The other women were smiling encouragement to the defendants.

Willett was the first called. He had nothing to say, but Gilbert D. Lamb, his attorney, pleaded for clemency.

Justice Jaxox said he did not want to say anything to make Willett's position harder.

"But," he continued, "I think that if you had been asked prior to the charge against you what punishment should be imposed on a man convicted of a crime that you have been convicted of without hesitation you would have said that he should be confined in the State prison, and that is my feeling."

Then he imposed the sentence. Mr. Elder made the usual motions in behalf of Cassidy, which were denied.

Cassidy Pleads for Himself.

"Have you anything to say before sentence is pronounced?" the clerk asked of Cassidy.

Curry Jaxox arose. He wore a neat cut-away, as usual. He walked slowly to the front of the bar and began to speak.

"If your Honor please, I stand here without fear because I know I am not guilty of any crime and I have done no wrong," he said. "My long career in politics, whether as leader or a boss, has had one result. Any man that I have aided in a political campaign has been able to get into the State prison, and I have filled the position with credit both to himself and to his constituents and to myself for whatever part I had in elevating him."

"I have not confined my support to Democrats. I have supported Republican judges who ran for office because I knew they were good men and because I knew that they would be returned or that they ought to be elected. The delegates, together with myself, in the convention preceding the last one fought as hard as they could for the re-nomination of Judge Garrison because I felt that he was a good judge and should be returned."

Reminds Judge of Aid in Past. "I also remember, if your Honor please, the year that you ran for office that I supported your Honor. I do not say this to influence your mind in any way, but I want to make this statement in this way. This case, I believe, is full of circumstances that look bad to the public and look bad to the men who do not know the conditions, who are not familiar with everyday life in politics and who are not familiar with the conditions of the city. I am sure that you will take the state and the community into consideration and will not take into consideration the evidence submitted to them."

"I believe that the jury that convicted me convicted me not on the evidence submitted to the court but on the summing up with credit to myself and myself alone."

"Now, if your Honor please, I have nothing to fear, because I know that every man whom I have ever assisted to the bench or to any political position has filled it with credit to himself and myself alone."

"No one has ever before suggested that I was even capable of asking a man whom I assisted to an office for money. I have never asked anything in my life for money. I have toiled and worked all my life, both as a business man and in politics, because that was my hobby, to elevate and to aid men around me."

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CHARITIES REORGANIZED.

Commissioner Kingsbury Assigns Deputies on New Plan.

The Commissioner of Charities, John A. Kingsbury, issued a general order yesterday putting into effect a plan of reorganization of the department. It abolishes the old geographical assignment of deputies and substitutes a functional assignment. It also reestablishes a plan which was in operation a number of years ago, the assignment of a medical superintendent in charge of the hospitals in Brooklyn.

The present location of the central and sub-offices of the department are not changed in any way. There is still one deputy in charge of the Brooklyn office, but all three deputies as well as the Commissioner will give their attention to the work in Brooklyn and the Commissioner and all his deputies will direct the work of the department in all other boroughs.

This reorganization, it is believed, will make for better efficiency and economy. It puts an expert in charge of each of the important divisions of work in the department.

The First Deputy Commissioner, Henry C. Wright, will have charge of the care of patients in the departmental hospitals and will pass upon all contracts and purchases, handling of all supplies, medical and surgical.

Second Deputy Commissioner William J. Doherty will have charge of the administration of the central offices of the department in the boroughs of Brooklyn and Queens, the administration of the children's bureau and the bureau of domestic relations in all boroughs; also the care of children and wards of the department in private and State hospitals and other institutions.

Commissioner Gordon Ireland will have charge of the administration of the central offices of the department, except for the boroughs of Brooklyn and Queens; the administration of the bureau of independent adults throughout the city and the direction of the work of the chief engineer in connection with repairs and additions to the plants of the department.

JOHN D. MAY GO TO JAIL FOR NOT PAYING TAXES

Gov. Cox of Ohio Backs Fight to Collect Assessment on \$900,000,000.

CLEVELAND, Ohio, Feb. 4.—John D. Rockefeller may go to jail if the county tax commission is successful in forcing to an issue the payment of \$12,000,000 in taxes demanded of him.

Commissioners said to-day that the new Warnes tax law provides that should a person fail to list his personal property for taxation he may be arraigned before the Probate Court and, upon his refusal to answer questions concerning his property, may be declared in contempt and committed to jail. The county tax commissioners received the backing of Gov. Cox and the State Tax Commission to-day in their attempt to force Mr. Rockefeller to pay taxes on \$900,000,000 of personal property.

The Rockefeller forces prepared for a hot battle in the courts. Mr. Rockefeller declined to make any statement personally and all questions were referred to Virgil P. Kline, his attorney.

The Rockefeller attorneys will attack the Warnes law and will ask an injunction to prevent the assessing of property for taxation under the new law on the ground that the law is unconstitutional.

Mr. Kline to-day repeated his statement that Rockefeller does not acquire legal residence here under the law. The Warnes tax law provided that a person remaining in a county the greater part of twelve months preceding February 1 shall have acquired a legal residence in the county and shall be taxed as such. Rockefeller came here June 24 and instead of leaving for Pocantico Hills in the early fall as usual remained here through the winter on account of the illness of Mrs. Rockefeller.

Kline contended that although Rockefeller remained here the greater part of a year next preceding February 1 he is not a legal resident of the county, as he did not remain here under circumstances over which he had no control.

ACTRESS HITS PROCESS SERVER.

Adele Ritchie on Stand Also Calls Newspaper Men Vipers.

Adele Ritchie, the actress, how the wife of Charles Nelson Bell, went to the City Court yesterday afternoon to save herself from Ludlow street jail for failure to appear last week for examination in supplementary proceedings. In the course of spirited cross-examination by Mr. Spelling, attorney for the judgment creditor, Miss Ritchie's anger went to the boiling point.

The actress vented her feelings on an unassuming process server named Max Arzi, who was employed by a law firm to serve her with papers in another suit for \$200 brought by Edward L. Ginzburg, a dealer in theatrical supplies. Arzi stepped up just as the actress walked out of the City Court Building with her attorney and started across City Hall Park.

"Mrs. Bell, I have a summons for you," said Arzi, handing her the paper.

Without saying a word the actress swung quickly and caught the process server on the jaw with her fist, almost taking him off his feet.

Miss Ritchie was forced to testify as to her ability to pay judgment for \$7,500 obtained by a costume for a pair of tights and other articles of wearing apparel. She testified that she worked last week at the Grand Theatre, but declared that she had no idea what she earned because her booking agent, John Ward, collected her salary and arranged all the details.

Miss Ritchie finally admitted that she knew she only received \$45 for her services last week.

The examination was adjourned to February 9.

AUTO TRUCK KILLS BOY.

Driver Says It Started When He Was Not in Seat.

Michael Scamman, 6 years old, of 752 Classon avenue, Brooklyn, was instantly killed last evening in front of his home by an auto truck of the bread company.

Frederick H. Gaffney, the chauffeur, who lives at 451 Gates avenue, was not in the machine. He said the truck started while he was delivering goods.

A witness who saw the boy's chest and a splintered rib punctured his heart.

Auto Kills Young Woman and Driver Speeds On.

BELLEVILLE, N. J., Feb. 4.—Miss Mary McGonnell, 17 years old, was struck by an automobile at 7 o'clock this evening as she was crossing Washington avenue near Gravelly avenue. She was tossed on her head and received many injuries, including a possible fracture of the skull.

The driver of the car did not stop and no one got the number.

Woman Is Hurt When Auto Hits Fish Wagon.

BURLINGTON ARCADE—THE MEN'S STORE



THE FINER THINGS MEN WEAR

They are here, today—some of them.

That men will wear, in the Spring.

Many are exclusive; some are simply early.

The new shirtings from London, Paris, Vienna.

Soft crepes and the sturdier madras.

It would be absurd to set a limit to the exquisite colorings and uncommon designs by trying to describe them in words.

The new French lisle underwear, with socks to match, from Paris.

White, with light border stitching of black, blue or lavender; all-lavender, with white trimmings and white clocks, toes and heels on socks; all-blue, likewise; and a truly Parisian design with ground the color of straw, having narrow blue silk bars at intervals, with a light pink stripe between alternate bars.

The new golf stockings from London.

Rattle-snake stripes in blue, black and gold, black, white and gray, green, plum and white; and soft homespun grays with black and white twisted yarn breaking in upon it, and tasseled under-knee garters under the cuffs.

The new sports socks from London.

Striking the color notes which soon will dominate the field of men's lighter-moments wear.

THE MEN'S STORE

Burlington Arcade (Street) Floor, New Building.

JOHN WANAMAKER

Broadway and Ninth

POLICEMAN KILLS FLEEING ROBBER

Pursues Him Into Back Yard and Fires as He Is Scaling Fence.